

13/9  
Financial (1897) Department.

ORDINARY MS.

G.O., No. 744

Dated 11-9-97

INDEXED.

[Despatch Abstract.]

Informing the Ld. of Prisons that  
Govt. does not think it worthwhile  
to address the Govt. of India on  
the subject of debiting to jail depots  
charges for police custody.

T 13/9/97

examined V.W. occurs:

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |

## Financial Judicial (1897) Department.

CURRENT No. <sup>2401</sup> 2994

*Be*  
*for with*  
*comb*  
*20/1/97*

From CHIEF SECRETARY  
16 JUL 1897  
The Inspector General of Prisons,  
Ootacamund.

Order

Endorsement

Transferred to the Financial  
Dept.

No. 3230.

Dated 15th July 1897.

Received 16 } 7.97

Registered 17 }

Enclosures

Spare copies

*Francis -*  
*As Under Secretary*

## SUBJECT.

Requesting for reasons stated  
to move the Government of India  
regarding the debit to Jail Depart.  
- mental Receipt, of charges for  
Police Custody.

To the Jail Dept.

Recd  
Regd

18-97

*Ref. Reminded*

*Please send the*

*it to obtain a copy from*

*21/7/97*  
*Has not a copy of the Jail*  
*been sent yet from the*  
*Dept.?*  
*22/7/97*

## BACK PAPERS.

| G.O. | No.    | Department. | Date     |
|------|--------|-------------|----------|
|      | 877    | Final       | 16-12-96 |
|      | 442    | jud         | 3-3-96   |
|      | 906-7h | —           | 28-6-97  |
|      | 1207R  | —           | 16-7-96  |
|      | 984-8R | —           | 8-6-96   |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |
|      |     |             |       |
|      |     |             |       |
|      |     |             |       |

No. 3230.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS,

Dated Ootacamund, the 15th July 1897.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F. PRICE, C.S.I.,

CHIEF SECRETARY TO GOVERNMENT,

SIR,

Enclosures.

With reference to the concluding portion of para 17 of G.O. No. 906, Judicial, dated 28th June 1897, I have the honour to state that in paras 5 to 8 of my letter No. 5890, dated 21st September 1896, I laid before Government in detail the reasons which show that Charges for Police Custody should not be debited to the Jail Department. The Government, on that letter, consulted the Accountant-General, who, in para 4 of his letter No. 3566, dated 19th November 1896 offered no argument of any kind to meet the reasons which I had adduced, beyond the Statement that the Comptroller General is a technical expert who, in a technical question of classification, must be presumed to be right. But in this same matter, the Comptroller-General had, as stated in

para

para 5 of my letter No. 5890, dated 21st September 1896, already made one palpable and admitted blunder, which had to be corrected on my representation. The presumption that he must be correct, therefore, appears to me to have been already rebutted. The procedure which the Comptroller-General has introduced of debiting to the Jail Department charges which are budgeted for, spent, and controlled by the High Court, produces no advantage to the administration and is a useless piece of circumlocution. There can be no reasonable doubt, also, that it is contrary to the intention of Home Department Letter Resolution No. 2 Jails-77-88, dated 14th February 1896. It has already produced correspondences and references between the High Court, the Accountant-General and myself which would be unnecessary but for this round-about procedure. It will be a decided benefit to all concerned if the Government can see its way to reconsider para 1 of G.O. No. 879, Financial, dated 16th December 1896 and move the Government of India on the point.

I have the honour to be,

Sir,

Your most obedient servant,

A. G. Cardew.

Inspector-General of Prisons.

[G.  
25]  
500-17-5-97.

H. E. THE GOVERNOR.  
THE HON'BLE MR. BLISS, C.I.E.  
THE HON'BLE MR. GROSE, C.I.E.

### FOR ORDERS.

G.O. No. 442 J. & L. 7 3. 3. 96.

being expenditure incurred for prisoners who are not under the direct control of the Jail Dept.

G.O. 879 Finl  
d/16 Dec 96

Financial DEPARTMENT.

C. No. 2401

SUBJECT Debit to jail Dept.  
of charges for dieting  
prisoners in lock-ups etc.

In para 2 of Home Department Resolution No. 2 - Jails-77-88 dated 14 February 1896, the Govt. of India decided that charges for dieting prisoners in lock-ups or in custody in Magistrates' Camps and for conveying under-trial prisoners should be met by the Magistrates and excluded from the jail returns and that those for the transfer of convicts from one jail to another, or from subsidiary jails (under the management of the jail department) to jails should be borne by the Jail Dept. 2 Some time after, the Comptroller-General issued list of corrections to the C.A.C. adding

adding an eleventh sub-head  
in the jail returns for the  
exhibition of charges for  
dieting prisoners in lock-ups  
etc, and for conveying under-  
trial prisoners, contrary to  
the orders conveyed in the  
above resolution. The Acctt.  
Genl's attention having been  
drawn to the mistake by  
the Inspector General of Prisons,  
he addressed the Comptroller  
Genl. on the subject with  
the result that a revised  
slip was issued pointing  
out that the sub-head referred  
to need not appear in the  
departmental returns. But the  
Comptroller Genl. still adhered  
to the view that charges  
for dieting prisoners in lock-  
ups etc, and for moving  
under-trial prisoners should  
be debited to the jail Dept  
and shown in the accounts  
under 19 B. jails, although  
the charges were to be bud-  
geted for, incurred and  
checked under 19 A, Criminal  
Courts.

8879 Jnl, 16 Dec 96

3 Thereupon the Insp. Genl  
adduced reasons to show  
that the instructions issued  
by the Comptroller Genl.  
were inconsistent with the  
of February 1896,  
terms of the Resolution, and  
requested this Govt. to obtain  
the sanction of the Govt. of  
India for debiting the charges  
for Police custody to Criminal  
Courts. The reasons assigned  
by him <sup>were</sup> ~~are~~ as follows:-

(1) The administrative returns  
of the jail Dept. are framed  
to show all expenditure incurred  
in jails (with certain specified  
expenditure), and if outlay  
debited to the jail Dept is  
incurred on dieting it ought  
to appear in the jail ad-  
ministrative returns. As the  
Govt. of India has ordered  
the exclusion of this outlay  
from those returns, it did  
not clearly intend it to be  
debited to <sup>the jail</sup> ~~this~~ department  
at all;

(2) the plan prescribed  
by the Govt. of India of  
instructing

instructing one department  
(19-A) to budget for, spend  
and check certain expendi-  
ture, which expenditure,  
after being incurred, is  
charged to another dep't.  
(19-B), is so round about  
and so objectionable that it  
is impossible to suppose  
it was intended by the  
Govt. of India;

(3) that there is nothing  
in Home Dept. Resolution  
of 14 Feb. 1896 which supports  
the Comptroller-General's  
statement that "it was  
intended by the Govt. of  
India that charges for  
Police Custody should  
appear in the accounts  
under 19-B, jails."

4. The Inspcr. Genl's letter  
having been referred to the  
Acctt. Genl, he observed as  
follows:-

"The Comptroller-General  
is the technical expert whom  
Govt. always consults, and  
generally defers to, in  
matters

E \* G.O. 879 Fint. 16 Dec 96

F.P. 11.11.96  
DP 11.11.96

"matters of account. It is  
quite certain he must have  
been consulted in this  
question, and he can hardly  
have misconstrued the  
order in the Home Dept.  
which he not improbably  
suggested. It may well be  
that it is right as a question  
of the integrity of our accounts  
to classify this charge under  
"jails", whilst the outlay is  
neither budgetted for, nor  
controlled by the Inspcr.  
Genl of Prisons and excluded  
from his administrative  
accounts. A similar deci-  
sion is in force in regard to  
"Cattle pounds". These charges  
are shown in the estimates  
and accounts under "Police",  
but the Inspcr. Genl. of Police  
neither prepares the estimates  
nor accounts for the expendi-  
ture. The work is done by  
the Rev. Dept.

5. The Govt. accepted  
the views of the Acctt. Genl.  
and declined to address the  
Govt.

E

G.O. No. 879 F  
16 Dec 96.

Govt. of India on the subject.

6. ~~Subsequently, however~~ <sup>para 43 of</sup>

The Insp. Genl., in his report

on the administration of

jails, <sup>for 1896 again</sup> drew attention to this

matter and stated that

the object of the procedure

laid down by the Comptroller

had not been explained,

but that, as the Acctt.

Genl. in his letter No. 3566,

of 19 Nov. 1896, reported

that the Comptroller-Genl.

must have a reason, it

was not thought necessary

to refer the matter to the

Govt. of India. This letter of

the Acctt. Genl. was disposed

of by G.O. No. 879 Finl. of 16 Dec.

1896 referred to above. But as

the Insp. Genl's words "it

was not thought necessary

to refer the matter to the

Govt. of India" did not

specifically allude to the

decision in the Finl. Dept.

the Judl. Dept, in reviewing <sup>para 17 of</sup> on

the jail report, appears

inadvertently to have

again

C

E

G

A

\* G.O. No. 906 Judl  
of 28 June 1897.

\*  
C 2401/97

\*  
G.O. 879 Finl  
16 Dec '96

DO

again requested the Insp.

Genl. to place the case sepa-

rately before Govt, in order

that it may be ascertained

whether it is desirable to

move the Govt. of India on

the point.

7. The Insp. Genl. now

states that the Acctt. Genl.

in his letter No. 3566 of 19. 11. 96.

has offered no argument of

any kind to meet the <sup>in this 28th</sup>

reasons adduced ~~by him~~

his letter No. 5890 of 21 Sep '96,

beyond the statement that

the Comptroller-Genl. is a

technical expert who, in a

technical question of classi-

fication, must be presumed

to be right. But as the Comp-

troller-Genl. had already

made one palpable & admitted

blunder which had to be

corrected on the Insp. Genl's

representation, ~~as stated in~~

para 5 of the letter referred to,

the presumption that the

Comptroller-General must

be correct appears to <sup>him</sup>

to have been already rebutted.

7th

The Insp. Genl. adds that the practice which the Comptroller Genl. has introduced of debiting to the Jail Dept. charges which are budgeted for, spent and controlled by the High Court, produces no advantage to the administration & is a useless piece of circumlocution and that it has already given rise to correspondence between the High Court, the Acct. Genl. & himself, which would be unnecessary but for this round about procedure. The Insp. Genl. accordingly <sup>considers</sup> ~~thinks~~ that it will be a decided benefit to all concerned if the Govt. can see its way to reconsider para 1 of G.O No. 879, Final, dt 16 Dec. 1896 & move the Govt. of India on the point.

It is submitted that it is very unlikely that the Govt. would upset the Comptroller's classification & that any representation on the subject would be unsuccessful.

20/1/97  
The subject would be considered in the way of doing things but the Insp. Genl. is not in account with the Govt. and nothing at all is to be done beyond a simple check.

I don't think it is worth while to refer the case to the Comptroller Genl. as it is without anything to do with it - let the G. S. do it - with them as he likes

4/2/97

21/1/97

Order. W. 744 of 11<sup>th</sup> Sept 97  
This

The Govt. does not consider it is worthwhile to refer the case to the Govt. of India

(From Orders)

Cm. S.  
18/9/92

12  
14/9/97

J. G. Prisons (9/10)

Acct. Genl.

Jail. Dept (in original)

Subd to G. S. for perusal.

16/9/97

Ken. Thanks.

11/10/97

When given for copying \_\_\_\_\_  
 When copied \_\_\_\_\_  
 When examined 13/9 } 1897  
 When signed \_\_\_\_\_

READ AGAIN G.O., No. \_\_\_\_\_ DATED \_\_\_\_\_  
 189 \_\_\_\_\_

CURRENT No. \_\_\_\_\_

ENCLOSURES TO C. No. \_\_\_\_\_

ORDER OF GOVERNMENT .. .. . A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH  
 IN ORIGINAL.

N.B.—  
 A = Copy in full.  
 B = Not to be copied.  
 P = Copy abstract only.  
 Q = Copy heading only.

1897

1897  
 1897  
 1897  
 1897